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International Law

WMD Proliferation and the Threat of Force

Edited By:
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The mission of the Defense Threat Reduction Agency (DTRA) is to safeguard America and its allies from weapons of mass destruction (chemical, biological, radiological, nuclear, and high explosives) by providing capabilities to reduce, eliminate, and counter the threat, and mitigate its effects.

The Office of Strategic Research and Dialogues (OSRD) supports this mission by providing long-term rolling horizon perspectives to help DTRA leadership identify, plan, and persuasively communicate what is needed in the near term to achieve the longer-term goals inherent in the agency's mission.

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International Law:

WMD Proliferation and the Threat of Force

Report of Panel Event, 4 February 2011
Washington Program on Nonproliferation Policy and Law (WPNPL)
Georgetown University, Washington, D.C

*The WPNPL is sponsored by the Advanced Systems and Concepts Office,
Defense Threat Reduction Agency through SURVIAC TAT 10-15*

Summary

On 4 February 2011, at the campus of Georgetown University, the Washington Program on Nonproliferation Policy and Law sponsored a Panel Of Experts event to examine the issue of the threat of force against WMD proliferation, as seen through the prism of international law.

This report summarizes presentations, interactions, and the thinking of panelists and attendees as they were delivered. Therefore, the text does not necessarily reflect the views of the Washington Program.

The report notes key themes or ideas that emerged from the event, which is framed by a brief synopsis that familiarizes the reader with the issue. Reportage on the event follows. The report also provides biographies of the panelists.

The Washington Program

The WPNPL is a partnership between Georgetown University, the Monterey Institute of International Studies, and the SURVIAC. It is funded by the Defense Threat Reduction Agency-Office of Strategic Research and Dialogues (DTRA-OSRD), and primarily supports DTRA, and the STRATCOM Combating WMD Center (SCC-WMD). WPNPL is a focused effort to promote research, scholarship, applied analysis, and communities of interest at the intersection of international law, international security, and the CWMD mission space. The project holds that the foundational nonproliferation treaties—which form the basis for whole directorates, divisions and activities within DTRA and the SCC WMD—are of course based on international legal concepts, but that these concepts are weakly advantaged in practice.

In specific pursuit of its objectives, the WPNPL:

Provides the conceptual and intellectual foundations for more effective tools—based in international law—that may be employed by the USG and DoD to counter WMD proliferation. These include sanctions regimes, interdiction operations, offensive operations, rules of safeguarded and verified engagement on legitimate nuclear and biological efforts internationally, and new opportunities for threat reduction in these areas.

Supports research and analysis of the legal environment that impacts the full spectrum of planning and operations to counter WMD, particularly as it relates to the interests of the Joint Force Commander, the staff judge advocate, and inter-agency stakeholders, as called for in numerous sections of the Joint Staff's *Joint Publication 3-40, Combating Weapons of Mass Destruction* (10 June 2009), and the Chairman of the Joint Chiefs of Staff's *National Military Strategy to Combat Weapons of Mass Destruction* (13 February 2006).

Promotes new thinking and seek consensus among US and international actors on relevant legal issues, with a focus on practitioners in the Department of Defense, the Department of State, United Nations and multilateral institutions deeply involved in the countering WMD mission, and the academic/scholarly community. These insights are, in turn, fully in accordance with guidance found in the *National Military Strategy to Combat WMD* “[s]upport outreach, education, training and awareness (ETA) of USSTRATCOM, SCC or DTRA activities.”

As a key part of its efforts, the Project conducts planning, delivers informed analyses, provides speakers and expertise, and ensures logistics and activities management for a broad spectrum of conferences and events addressing the nexus of international law and Countering WMD. The present report details one activity in the PLNP’s continuing Law and Nonproliferation Event series.

Event: Key Themes and Ideas

The Panel of Experts addressed, primarily, the *threat of force* – as opposed to the *use of force* – against a WMD-armed state or its weapon programs, to include a state of crisis or potential conflict that is not, *per se*, focused on the matter of WMD possession. The distinction between threat and the actual use of force is, of course, difficult to examine, given that state practice often involves the threat and actual use of force along a continuum. Therefore cause-effect relationships are obscured.

Though seeming to be highly nuanced, this distinction is not a trivial matter in the eyes of international law. Nor is it a trivial matter in the eyes of many states, especially those who may have relatively little ability to influence a course of events: the law and its important normative and contextual characteristics are the very prism through which they view a case or crisis or, at the very least, a mechanism they can use to justify action or inaction.

With the above in mind, several themes emerged from the event:

International law has little to say about the threat to use force. Beyond the UN Charter, which includes Article 2§4 and Article 51 on the role of self-defense, the International Court of Justice has only ruled in three cases that have involved the use or threat of force. However, it can be argued that threats – particularly involving a WMD variable – is solidly based on the legal footing of Chapter VII of the UN Charter.

The definition of threat of force is amorphous. For example, does having “all options on the table” meet a certain threshold? What about military maneuvers and training exercises?

Very clearly, the threat to use force has evolved over time, and consequently what may be termed “emerging legal doctrines” have become evident in the international system.

The well-known and oft-discussed *Caroline* case of 1837 offers the most revealing legal analysis on the use of preemptive force. Still, scholars point to the Israeli military doctrine of “advocating devastating preemptive strikes on Arab enemies,” negative security assurances by the United States with respect to compliance with the Nuclear Nonproliferation Treaty, and the Bush Doctrine of acting preventively early if an imminent threat is perceived as modern day interpretations of anticipatory self-defense.

Two schools of thought prevail when it comes to studying efficacy of international law: the charter paradigm and the post-charter self-help paradigm. The former assumes that the UN Charter framework is still good international law and that any threat to use force is unlawful when the actual use of such force is, indeed, unlawful. In other words, only instances of self-defense and/or with support of the UN Security Council can be considered lawful courses of action. Under the post-charter self-help paradigm, scholars assume that Article 2§4 is no longer reflective of international law based on state practices because of the many exceptions that are taken by states. The authority and control found in the law is the result of perceptions of lawfulness or *opinio juris*. Therefore, when it comes to the uses and threats of force evidenced in the aforementioned examples, Article 2§4 is no longer authoritative and controlling, as states do not abide by it.

Most of the international community would agree that the use of preventive force is permissible based on the doctrine laid out in the *Caroline* case in which states must demonstrate that an attack is imminent leaving no time for deliberation, and the measured response is proportionate to the threat. In fact, the US National Security Strategy of 2002 called for the reduction of the imminence standard often cited by legal scholars and other states. If a state or group of states demonstrates a good faith effort to maintain international peace and security through peaceful means, they may eventually be forced to take more drastic measures but ultimately will be justified in their actions.

To be sure, the legal threshold for acceptable threat of force has, in many respects, been lowered in the case where WMD is involved. While states must still consider distinction, proportionality, and the political implications of their actions, there appears to be a greater acceptance for threatening force in WMD cases, as well as for humanitarian interventions and other transnational crises.

Issue

From 1945 until 2003, there were no less than 443 instances of threats of force made by states. A threat has been defined as an act that is designed to create a psychological condition in the target of apprehension, anxiety and eventually fear, which will erode the target's resistance to change or will pressure it toward preserving the status quo. In this sense, the threat of force constitutes a form of coercion because it aims at the deliberate and drastic restriction or suppression by one actor of the choices of another. Some legal and international relations scholars argue that the application of economic instead of military pressure makes no difference when characterizing behavior as threatening, even though it may be technically legal under international law. In the international arena, a threat of force is a message -- explicit or implicit -- formulated by a decision maker and directed to a target

audience that indicates that force will be used if a rule or demand is not complied with. Article 2§4 of the United Nations Charter reads:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

Acceptance of the legal norm of self-defense as the sole legitimate use of force has not eliminated military strength as a major factor in the relations of states. States will react, as they have in the past, to perceived power imbalances that are seen as threatening to their interests. Neither the UN Charter nor customary law imposes limits on the size or composition of armed forces or on military pacts for defense. States are legally free to deploy their forces as they choose within their territories or in the territories of consenting states. They are also entitled to deploy armed force in areas beyond national borders, except when treaties limit such activity. Thus, military establishments and the protective measures of states are governed, by and large, by national defense policies and the politics of security, rather than by the international law governing use of force and self-defense.

The International Court of Justice summed up the state of the law when it comes to threats of force in 1996. Its advisory opinion on the *Legality of the Threat or Use of Nuclear Weapons* states:

The notions of "threat" and "use" of force under Article 2, paragraph 4, of the Charter stand together in the sense that if the use of force itself in a given case is illegal--for whatever reason--the threat to use such force will likewise be illegal. In short, if it is to be lawful, the declared readiness of a State to use force must be a use of force that is in conformity with the Charter. For the rest, no State . . . suggested to the Court that it would be lawful to threaten to use force if the use of force contemplated would be illegal.

In other words, only a threat to use force in breach of the Charter is unlawful. By contrast, it is perfectly lawful to issue a warning relating to the use force when such action would be in full accordance with the Charter, which includes self-defense or in pursuit of binding resolutions of the Security Council.

While the legal dimensions of the use of force have been widely discussed, the rules governing the threat to use force is still unclear. Advances in the development of WMD programs in the international system have led to a number of recommendations for action among the global community. Some assert that sanctions are the most effective form of coercion that respects the rule of law in the international system. This would be the case in the current crisis with Iran's nuclear program. Others believe that more aggressive measures are necessary to change a state's behavior. Evidence of such steps can be found in the 2003 invasion of Iraq on the premise of WMD stockpiles.

Event Discussion

The expert panel consisted of: Professor Orde Kittrie, Professor of Law, Sandra Day O'Connor College of Law, Arizona State University; Mr. Leonard Spector, Director, James Martin Center for Nonproliferation Studies Washington DC Office, Monterey Institute for International Studies; and Dr. Anthony Arend, Director, Master of Science in Foreign Service Program at the Georgetown University. Panelist biographies are available at the end of this report.

Professor Kittrie: The discussion began with Professor Kittrie placing into context the issue of threatening force in the international system as it relates to the current crisis with Iran's nuclear program. In thinking about this topic, he posed a series of questions that would help to guide a framework for policy and legal analysis. Drawing on their experiences as academics and practitioners of international law, the panelists were able to lay the foundation for the proceeding conversation through historical examples and scholarly insight.

The current status of Iran's nuclear program presents a number of challenges for the international community when formulating policy and analyzing existing legal regimes. Professor Kittrie asserted that Iran is acting in flagrant violation of international law, which includes four UN Security Council resolutions pertaining to nuclear weapons development. Despite the imposed sanctions and international condemnation of their violation of the Nuclear Nonproliferation Treaty, the Iranian government is still pursuing uranium enrichment and acquiring centrifuges for mass production. This fact, coupled with the leadership's response to the 2009 opposition movement, as well as its financial support for terrorist groups, offers further evidence of noncompliance with international laws and norms.

Kittrie cited five key tools for altering state behavior as potential courses of action for the international community and US government in this case. These include speaking, sweeteners, sanctions, sabotage, and soldiers. Back in early 2009, the Obama Administration planned to pursue a more open dialogue with the Islamic Republic and even offered incentives for compliance with existing laws. Despite such attempts, the Iranian regime refused to acquiesce to proposed agreements, which has led to increased pressure on the country in the form of economic and political sanctions. Moreover, states with a vested interest in derailing Iran's nuclear program have taken steps to actually destroy existing infrastructure including through computer network attacks and targeted killings. Given the Iranian government's continued resistance to admit inspectors from the International Atomic Energy Agency or agree to a bargain that would allow for an exchange of enriched uranium for fuel to power energy reactors, the United States is now working to increase the cost of Iran's nuclear ambitions by making it more difficult for the regime to export crude oil and increasing its military presence in the Persian Gulf.

Noting that the threat to use force has halted WMD programs in other states like Libya in 2003, Kittrie argued that it might take a similar show of force to move the Iranian regime into compliance with existing international law. Since the revolution in 1979, the Islamic Republic of Iran has demonstrated its ability to respond actively to threats force. This was the case in the release of American hostages in 1981 following Reagan's inauguration as well as the cessation of hostilities with Iraq in 1988. In both instances, the Iranian leadership reacted to overt expressions of American resolve that came in the form of campaign pledges by potential commanders in chief and the destruction of a civilian airliner that was thought to be a fighter plane acting in violation of agreed terms in the Iran-Iraq War. Such displays are proof that Iran has the capacity to alter its behavior if faced with severe consequences by the international community or adversarial power.

Based on these examples, Professor Kittrie suggested that international law has little to say about the threat to use force. Beyond the UN Charter, which includes Article 2§4 and Article 51 on the role of self-defense, the International Court of Justice has only ruled in three cases that have involved the use or threat of force. More telling has been the practice of states, which over the past sixty years indicates that the prohibition of the use of force has been slowly eroded. The threat of force was most clearly on display during the Cold War era as seen in the practice of nuclear deterrence, yet its legality was never discussed. If the prohibition on the use of force is considered dead, does that mean that the threat is also considered dead? Moreover, what counts as a threat of force? Does having all options on the table meet this threshold? What about military maneuvers and training exercises?

Thus, when confronting the challenges posed by Iran's nuclear ambitions, the threat to use force has gradually become a more viable option for the global community. History shows that Iran has been using force against a number of actors in the international system through the Beirut bombings, the Kobar Towers bombing, and the regime's financial and political support of terrorist groups like Hamas and Hezbollah. If the UN Security Council finds it appropriate, a unilateral or multilateral effort to confront these issues could ensue based on the legal footing of Chapter VII of the UN Charter.

Mr. Leonard Spector: Providing an overview of how the threat to use force has evolved over time, Mr. Spector addressed several examples as well as emerging doctrines that have become evident in the international system. A number of distinct cases offer guidance on how the global community would respond to the use or threat of force given the evolution of state practice in this area. These include:

Early 1991 – US vs. Iraq: Attempting to deter Saddam Hussein from using WMD to repel coalition forces seeking to dislodge Iraq from Kuwait, the US advises Hussein that his use of WMD will be met with a massive response in which use of all US capabilities will be considered and that coalition forces will topple his regime. NO WMD is used by Iraq in conflict.

Early 1994 – US vs. North Korea: When the US threatens to have the UN impose sanctions on North Korea for refusing IAEA inspections, Pyongyang responds by declaring it will consider the imposition of sanctions to be an act of war. The US surges forces to the region to make clear that it is prepared for conflict if need be. The threat signaled by the US deployments is believed to have contributed to North Korea's decision to accept the 1994 Agreed Framework freezing known elements of North Korea's nuclear weapon program.

1991-1998 – US vs. Iraq: The US backs up UN Special Commission investigations of Iraq's WMD programs with threat of military action if Saddam Hussein fails to comply with Commission demands. Iraq, despite extensive obfuscation, ultimately complies with most UNSCOM demands through 1997. (Actual use of force, in the form of a US cruise missile attack known as Operation Desert Fox, takes place in December 1998)

1992-1996 – Russia vs. Belarus/Kazakhstan/Ukraine: As the newly independent states assessed whether to transfer nuclear weapons on their territory to Russia, the three states undoubtedly recognized that if they refused to do so, they might face possible Russian military intervention. There is no evidence that Russia ever made such a threat, and most students of the period believe that the decisions of the three states to relinquish the weapons turned on other issues.

Late 2002-Early 2003 – US vs. Iraq: United States deploys 100,000 troops in Kuwait in preparation for possible invasion of Iraq. Threat of invasion leads Saddam Hussein to largely comply with UN Monitoring, Verification, and Inspection Commission demands, but the US ultimately finds the Commission's conclusions unconvincing, leading to the 2003 Gulf War.

March 2003-July 2005 – US vs. Iran: Following the invasion of Iraq, Iran fears it may be next US target after the disclosure of its secret uranium enrichment program in late 2002. To avert this risk, Iran voluntarily implements the Additional Protocol – providing the IAEA added inspection rights beyond those in Iran's pre-existing comprehensive safeguards agreement with the IAEA – and suspends work on the enrichment program.

March-December 2003 – US vs. Libya: Libya, in part because of fears that following the US invasion of Iraq the US may attack Libya, continues negotiations with Washington over elimination of Libya's WMD programs; talks come to head after US interception of *BCC China* in October 2003, with shipments of centrifuge uranium enrichment plant components.

July-September 2009 – Israel/US vs. Iran: Iran learns that its secretly constructed uranium enrichment plant at Qom has been discovered and that the facility has an identical profile under international law to Syria's al-Kibar reactor, which was destroyed by an Israeli airstrike in September 2007. Both facilities were built in secret, apparently configured to support a nuclear weapon program, and not disclosed to the IAEA as required under applicable agreements with that organization. The international community did not condemn the 2007 Israeli attack. Possibly fearing that the same status of the Qom facility would provide a pretext for an Israeli attack, Iran places the facility under IAEA inspection in mid-September 2009.

2009-Present – US/Israel vs. Iran: President Obama repeatedly states that "all options are on the table" for addressing the nuclear threat posed by Iran. Israel makes repeated requests for specialized US military assistances suitable for an attack on Iranian nuclear facilities.

2009-Present – US/Israel vs. Iran: Attacks on three Iranian nuclear scientists, which kill two and injure one, and apparent cyber attack against the Iranian uranium enrichment program through a computer worm known as Stuxnet demonstrate that foreign governments are prepared to take direct action to prevent Iran from acquiring nuclear weapons. One impact of the escalation is to reinforce the credibility of ongoing overt threats to use force to terminate the program.

While the case of the Syrian reactor is evidence that the international community may tolerate certain uses of force depending on specific criteria, a number of doctrinal declarations have also emerged that offer justifications for the threat and use of force. The *Caroline* case of 1837 offers the most revealing legal analysis on the use of preemptive force. Still, scholars point to the Israeli military doctrine of “advocating devastating preemptive strikes on Arab enemies,” negative security assurances by the United States with respect to compliance with the Nuclear Nonproliferation Treaty, and the Bush Doctrine of acting preventively early if an imminent threat is perceived as modern day interpretations of anticipatory self-defense. Taken together, Spector argued, these cases and principles suggest that state practice may be influencing how future conflicts will be played out with respect to criteria for using force in preemption and in self-defense.

Dr. Anthony Arend: Wrapping up the presentations, Dr. Arend provided a discussion on the status of the UN Charter framework as it relates to the use and threat of force. He explained that two schools of thought prevail when it comes to studying efficacy of international law: the charter paradigm and the post-charter self-help paradigm. The former assumes that the UN Charter framework is still good international law and that any threat to use force is unlawful when the actual use of such force is unlawful. In other words, only instances of self-defense or with support of the UN Security Council can be considered lawful courses of action.

The intent of Article 2§4 was to develop a fundamental proscription on uses of force, but many scholars believe that it has not been sustainable since 1945. Under the post-charter self-help paradigm, scholars assume that Article 2§4 is no longer reflective of international law based on state practices because of the many exceptions that are taken by states. The authority and control found in the law is the result of perceptions of lawfulness or *opinio juris*. Therefore, when it comes to the uses and threats of force evidenced in the aforementioned examples, Article 2§4 is no longer authoritative and controlling, as states do not abide by it.

Despite the claims that the UN Charter has lost its relevance among states when it comes to the use of force, there is still one area in which the use of force and threat of force is prohibited: territorial aggrandizement. This was made clear through the international condemnation of Iraq’s invasion of Kuwait in 1991 and such a case could provide guidance for legal scholars as norms and practices evolve into the twenty-first century. While aspirations exist among many to suggest prudent courses of action, the task of legal scholars is not to say what they would like the law to be, but rather to honestly proclaim what is really evident in state practice and improve upon legal rules when the circumstances are distressing to the international community. This includes challenging notions of preventive measures as well as recommending appropriate methods to coerce malevolent actors on the world stage.

Questions from the Audience: Attendees at this event consisted of students, faculty, business leaders, and policymakers. From the preceding discussion, several topics emerged as points of interest for the panelists. These included the role of anticipatory self-defense, the interests of the United States in adhering to existing norms, and the influence of the UN Security Council in crises.

Moderating the discussion, Dr. Lotrionte first asked the panelists to consider whether force must be used in order to effectively alter the behavior of an adversary. She referred to the fact that a number of previously cited examples already involved uses force as a component of the threat in the form of economic sanctions or inspections of military installations. Would these initial steps at coercing a state into compliance with international law be, themselves, violations? Mr. Spector argued that the use of force was imminent in most of the aforementioned cases and the international community is currently operating in the zone of the use of force when it comes to confronting Iran's nuclear ambitions. Targeted killings of nuclear scientists and network attacks on centrifuges may serve as a warning of what may come next and a further indicator that "all options are on the table" in order to halt progress toward a nuclear weapon. Professor Kittrie added that the key to a successful threat of force is credibility. As in the case of North Korea in 1994, it is critical that a threat be perceived as legitimate in order to alter behavior without actually escalating the conflict so that the adversary strikes first out of desperation.

When it comes to measuring the impact of international law as controlling the threat to use preventive force, the panelists were asked how the United States could declare war against Iraq in 2003 without authorization from the UN Security Council. According to Dr. Arend, most of the international community would agree that the use of preventive force is permissible based on the doctrine laid out in the *Caroline* case in which states must demonstrate that an attack is imminent leaving no time for deliberation, and the measured response is proportionate to the threat. In fact, the US National Security Strategy of 2002 called for the reduction of the imminence standard often cited by legal scholars and other states. Dr. Lotrionte added that, based on Daniel Webster's reasoning in the *Caroline* case, a threat also had to be overwhelming with no other means left for resolving the crisis. If a state or group of states demonstrates a good faith effort to maintain international peace and security through peaceful means, they may eventually be forced to take more drastic measures but ultimately will be justified in their actions.

Many international legal scholars and historians believe that if nuclear weapons had been a factor in the drafting of the Charter, it would have been written differently. However, based on the muted response by the global community to the Stuxnet computer virus and targeted killing of Iranian scientists, it seems that international law may be moving into an period in which there are criteria for justifying the threat or use of force. To be sure, states must consider distinction, proportionality, and the political implications of their actions. Still, in addition to cases that involve development of WMD, there appears to be a greater acceptance for using force in humanitarian interventions and other transnational crises.

In the case of nuclear weapons development, Mr. Spector suggested that the international legal community work to narrow the possibility of preventive attacks through more widespread adherence to proscribed criteria. This includes building laboratories and facilities in secret, configuring facilities for nuclear weapons use, and acting in violation of established international law. The High Panel of Experts at the United Nations recently reported that mere possession of a weapon by a state might not justify preventive force. However, this implies that if a nuclear weapon were to fall into the hands of a non-state actor or terrorist group, UN Security Council approval may not be necessary for using preventive force. On Iran specifically, Professor Kittrie pointed out that the country has taken aggressive measures against the United States and its allies for decades (i.e. seizure of material and personnel, financial assistance to known terrorist networks, and development of improvised explosive devices). These hostile actions could provide for justification of uses of force against the Iran's military installations by the US and international community. In fact, Article 51 of the UN Charter neglects to specify the timeline in which a response must be given by a state in self-defense. With such clearly defined standards, preventive actions may eventually gain greater acceptance by the global community.

Finally, on the topic of whether prohibitions on the use or threat of force are deemed legitimate in the eyes of the international community or if they are simply norms of aspiration, Dr. Arend argued that the drafters of the UN Charter most likely believed that this document would carry substantial weight in relations among states. Despite their perceived intentions, state practice has eroded the credibility of Article 2§4. Weighing the consequences of whether to violate the law or not based on perception of its credibility in the international community, US policymakers would be wise to support the revival of Article 2§4. Professor Kittrie added that it is always best to use force when supported by the law. By expecting states to behave in such normative ways, compliance with customary and established legal standards can grow more widespread.

From this discussion, it is clear that the international legal community must embrace the task of further study and analysis on the threat to use force in order to better understand the implications of resorting to force in foreign relations. The cases and principles discussed in this panel suggest that state practice may be influencing how future conflicts will be addressed with respect to using force in preemption and in self-defense. In the end, legal scholars will not be able to give policymakers a pass on deciding what the law should be, but rather to candidly examine state practice and propose legal rules that alleviate distress in the international system.

Panelist Biographies

Orde Kittrie is a tenured professor of law at Arizona State University, where his teaching and research focus on international law and criminal law. He has written extensively in the areas of nuclear non-proliferation, and international negotiations. Professor Kittrie is also the director of ASU's Sandra Day O'Connor College of Law Washington Legal Externship Program. Professor Kittrie is a leading expert on legal issues relating to nuclear nonproliferation and has testified on these issues before both the U.S. Senate and U.S. House of Representatives. During 2008, Professor Kittrie served on a National Academies of Science committee created by Congress to issue a report, in time for the next Administration, assessing and making recommendations to improve current U.S. government programs to prevent the proliferation of nuclear, chemical and biological weapons. Kittrie also serves as chair of the Nonproliferation, Arms Control and Disarmament Committee of the American Society of International Law.

Prior to 2004, Kittrie worked for eleven years at the United States Department of State. For three years, Kittrie served as an attorney specializing in trade controls, in which capacity he was a principal drafter of U.N. Security Council Resolutions, U.S. Executive Orders, and U.S. regulations imposing and implementing embargoes on terrorism-supporting and other outlaw regimes. After that, Kittrie served for three and a half years as a State Department attorney specializing in nuclear affairs. In that capacity, Kittrie participated in negotiating five nuclear non-proliferation agreements between the United States and Russia and served as counsel for the U.S. Government's sanctions and other responses to the 1998 Indian and Pakistani nuclear tests. He also helped negotiate at the United Nations the Convention for the Suppression of Acts of Nuclear Terrorism (a treaty designed to thwart terrorist acquisition, use or threat of use of nuclear material).

Leonard "Sandy" Spector is Deputy Director of the Monterey Institute of International Studies' James Martin Center for Nonproliferation Studies, and leads the Center's Washington D.C. Office. In addition he serves as editor-in-chief of the Center's publications. Mr. Spector joined CNS from the U.S. Department of Energy (DOE), where he served as an Assistant Deputy Administrator for Arms Control and Nonproliferation at the National Nuclear Security Administration. His principal responsibilities at DOE included development and implementation of DOE arms control and nonproliferation policy with respect to international treaties; US domestic and multilateral export controls; inspection and technical cooperation activities of the International Atomic Energy Agency; civilian nuclear activities in the US and abroad; initiatives in regions of proliferation concern, including the canning of plutonium-spent nuclear fuel in North Korea and Kazakhstan; and transparency provisions of bilateral agreements with Russia covering the purchase of weapons-grade uranium and the cessation of plutonium production. Additionally, Mr. Spector managed the Initiatives for Proliferation Prevention and the Nuclear Cities Initiative programs.

Prior to his tenure at DOE, Mr. Spector served as Senior Associate at the Carnegie Endowment for International Peace and Director of its Nuclear Non-Proliferation Project. Mr. Spector also established the Program on Post-Soviet Nuclear Affairs at Carnegie's Moscow Center. Before joining the Carnegie Endowment, Mr. Spector served as Chief Counsel to the U.S. Senate Energy and Proliferation Subcommittee, where he assisted in drafting the Nuclear Non-Proliferation Act and the Nuclear Waste Policy Act. He began his career in nuclear nonproliferation as a Special Counsel at the Nuclear Regulatory Commission. Mr. Spector has participated on advisory panels for national laboratories and research organizations and has also served as secretary and member of the board of trustees of the Stimson Center. He is author of many publications and books concerning nonproliferation and it is a privilege to work with him on these efforts.

Dr. Anthony Arend is a professor of Government and Foreign Service at Georgetown University. In July 2008, he became the Director of the Master of Science in Foreign Service in the Walsh School of Foreign Service. With Professor Christopher C. Joyner, he founded this Institute and served as co-director from 2003-2008. He is also an adjunct professor of law at the Georgetown University Law Center. Prior to coming to Georgetown, he was a Senior Fellow at the Center for National Security Law at the University of Virginia School of Law. He has also served as an Articles Editor for the Virginia Journal of International Law.

Dr. Arend's teaching interests are in the areas of international law, international organization, international relations, international legal philosophy, and constitutional law of United States foreign relations. He received a Ph.D. and an M.A. in Foreign Affairs from the Woodrow Wilson Department of Government and Foreign Affairs of the University of Virginia. He received a B.S.F.S., magna cum laude, from the Edmund A. Walsh School of Foreign Service at Georgetown University.